



Practitioner's Docket No. ORT1473

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard Apodaca et al.

Application No.: 09/922,631

Group No.: 1626

Filed: August 6, 2001

Examiner: K. A. Saeed

For: Non-Imidazole Aryloxyalkylamines

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Translation(s) of Non-English Language Documents
5. Identification of Person(s) Making This Information Disclosure Statement

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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/John W. Harbour/

Signature

Date: June 15, 2006

John W. Harbour

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)**

Form PTO/SB/08A and/or form PTO/SB/08B are attached.

**Section 3. Copies of Listed Information Items Accompanying This Statement**

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

Exception: A publication which was identified in a related application claiming the same priority for which no copy is submitted. Related application SN.: 09/922,619, filed on August 6, 2001, which claims the benefit of provisional application SN.: 60/223,768, filed on August 8, 2000. The following reference was cited by the Office in this related application which shares a common priority claim: GREENE Protective Groups in Organic Synthesis (1981).

**Section 4. Translation(s) of Non-English Language Documents**

Submitted herewith is an English language abstract for the foreign language publication WO 95/04052.

The foreign language document WO 01/032633 submitted herewith is believed to be the equivalent or substantial equivalent of the English language document US 6,821,980, which is also submitted herewith.

No English language translations of the foreign language publications are readily available, except for those listed above.

**Section 5. Identification of Person Making This Information Disclosure Statement**

The person making this certification is the practitioner who signs below on the basis of the information in the practitioner's file.

Date: June 15, 2006

/John W. Harbour/  
John W. Harbour  
Registration No. 31,365  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
732-524-2169  
Customer No. 000027777



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

|                        |                 |
|------------------------|-----------------|
| Confirmation Number    | 3570            |
| Application Number     | 09/922,631      |
| Filing Date            | 08/06/2001      |
| First Named Inventor   | Richard Apodaca |
| Group Art Unit         | 1626            |
| Examiner Name          | K. A. Saeed     |
| Attorney Docket Number | ORT1473         |

**U.S. PATENT DOCUMENTS**

| Exam<br>Initials | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication<br>of Cited Document<br>mm-dd-yyyy | Pages, Columns, Lines,<br>where relevant passages or<br>relevant figures appear |
|------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
|                  |                          | Number               | Kind Code <sup>2</sup><br>(if known) |  |  |   |
|                  |                          | 3,919,231            |                                      | Pelosi, Jr. et al.                                 | 11-11-1975   |   |
|                  |                          | 5,182,291            | A                                    | Gubin et al.                                       | 01-26-1993   |   |
|                  |                          | 5,580,883            | A                                    | Goto et al.  | 12-03-1996   |   |
|                  |                          | 5,840,746            | A                                    | Ducharme et al.                                    | 11-24-1998   |   |
|                  |                          | 5,883,096            | A                                    | Lowe et al.  | 03-16-1999   |   |
|                  |                          | 6,821,980            | B1                                   | Guerry et al.                                      | 11-23-2004   |   |
|                  |                          |                      |                                      |  |  |   |

**FOREIGN PATENT DOCUMENTS**

| Exam<br>Initials | Cite<br>No. <sup>1</sup> | Foreign Patent Document |                     |                        | Name of Patentee or<br>Applicant of Cited Document | Date of<br>Publication of<br>Cited Document<br>mm-dd-yyyy | Pages, Columns,<br>Lines, where relevant<br>passages or relevant<br>figures appear | T <sup>3</sup> |
|------------------|--------------------------|-------------------------|---------------------|------------------------|--|---|--|----------------|
|                  |                          | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> |  |   |  |                |
|                  |                          | WO                      | 95/04052            | A                      | Sanofi   | 02-09-1995  | English Abst.  |                |
|                  |                          | WO                      | 01/32633            | A                      | F. Hoffmann-La Roche AG                            | 05-10-2001  | (US6,821,980)  |                |
|                  |                          |                         |                     |                        |  |   |  |                |
|                  |                          |                         |                     |                        |  |   |  |                |
|                  |                          |                         |                     |                        |  |   |  |                |
|                  |                          |                         |                     |                        |  |   |  |                |

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

| Exam<br>Initials | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sup>2</sup> |
|------------------|--------------------------|--|----------------|
|                  |                          | GREEN, "Protective Groups in Organic Synthesis (1981)  |                |
|                  |                          | STARK ET AL., "General Construction Pattern of Histamine H3-Receptor Antagonists: Change of a Paradigm", Bioorganic & Medicinal Chemistry Letters, Vol. 8 (1998) pp 2011-2016.   |                |
|                  |                          | WEST, JR. ET AL., "Identification of Two H3-Histamine Receptor Subtypes", Molecular Pharmacology, Vol. 38 (1990) pp 610-613.   |                |
|                  |                          | WOLIN ET AL., "Novel H3 Receptor Antagonists. Sulfonamide Homologs of Histamine", Bioorganic & Medicinal Chemistry Letters, Vol. 8 (1998) pp 2157-2162.  |                |

|                       |                    |
|-----------------------|--------------------|
| Examiner<br>Signature | Date<br>Considered |
|-----------------------|--------------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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